

DIAA Board of Directors' Meeting Minutes
September 10, 2009 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Michael Wagner, Curtis Bedford, Eugene Montano, Edna Cale, Debbie Corrado, Joan Samonisky, Catherine Marvel, Harvey Hyland, Susan Coffing, Teresa Taylor, Dr. Jeffery Hawtof, Randall O'Neal and Ron Eby. Kevin Charles, Executive Director; and Paula Fontello, Deputy Attorney General were also in attendance. Dr. Michael Owens, Dr. Dianne Sole, Dr. George Stone, Robert Reed, Woody Long, and Michael Modica were unable to attend.

C. Approval of Agenda

Mr. Kobasa stated that item III. E 7 was being removed from the agenda and Item III E. 9. for Sussex Tech was added to the agenda. Ms. Coffing made a motion to approve the agenda as amended. The motion was seconded by Ms. Samonisky and carried unanimously.

D. Approval of Minutes of August 13, 2009 Board of Directors' Meeting

Mr. Eby made a motion to approve the minutes of the August 13, 2009 Board of Directors meeting. The motion was seconded by Ms. Corrado and carried unanimously.

E. DIAA Financial Report

Mr. Charles commented on the reporting period of August 3 through September 2. The income was \$52,487 which came from officials' dues, member dues and fees. Mr. Charles stated that the expenses were \$172,000 which were primarily from purchases orders, expenses for the National Federation Student Leadership Conference scholarships, the DIAA Student Leadership Conference, NFHS Member dues, and Arbiter. Mr. Charles stated that salary and other employee costs were also included in the expenses. Mr. Charles acknowledged the deficit but stated that it is normal at this time of year.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles stated that there are 25 sanction requests which 16 of them are for cross country, 2 for basketball, 1 for lacrosse, 6 for wrestling. Mr. Charles explained that some of the requests are in a different format. Mr. Charles stated that the sanction requests for the NFHS are in list form due to new online filings. Mr. Charles stated that they are all in compliance with NFHS and DIAA regulations and the applications are available for the Board's review. Dr. Hawtof made a motion to approve the sanction events. The motion was seconded by Mr. Montano and carried unanimously.

B. Request for Waiver of DIAA Reg. 1009.2.4 by Red Lion Christian Academy for J.B.

Jaimie N. Brown; student, Carol Brown; student's mother, and Eric Day, athletic director at Red Lion Christian Academy were in attendance to present this request. Student's mother requested an open hearing.

Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver hearing. Ms. Fontello explained that there are 14 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. Ms. Fontello also explained that this was an administrative hearing and that all testimony was being taken down by a court reporter and will be on the record. All persons participating in this hearing were sworn in. Ms. Fontello reviewed all documents in the packet.

Ms. Brown explained that the reason for her daughter wanting to transfer to Red Lion Christian Academy from Elkton Christian is based on several things that have happened over the last few years. Ms. Brown explained that some of the issues pertained to financial problems that the school was having. Ms. Brown stated that the school has focused more on the growth of athletics than it has on academics. Ms. Brown also stated that due to the financial problems she feared that her 11th grade daughter was going to be combined with 10th grade students. Ms. Brown stated that she did not consider a public school as her children have always gone to Christian schools. Ms. Brown stated that Red Lion Christian Academy is close to their home.

Mr. Day commented that this was not an isolated case. Mr. Day explained that he has come to this Board several times for similar issues. Jaimie stated that she has played varsity volleyball and softball in her 9th and 10th grade years. Jaimie commented that several of her friends have transferred to Red Lion Christian Academy.

Mr. Wagner made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Deliberations were held. Mr. Montano made a

motion to come out of deliberation. The motion was seconded by Ms. Cale and carried unanimously.

Mr. O'Neal made a motion to approve the request based on the hardship presented during testimony. The motion was seconded by Ms. Cale and carried by a vote of 13 yes (Kobasa, Wagner, Bedford, Montano, Cale, Corrado, Samonisky, Marvel, Hyland, Coffing, Hawtof, Oneal, Eby) and 1 abstention (Taylor).

C. Request for Waiver of DIAA Reg. 1009.2.4 by Red Lion Christian Academy for M.R.

Matthew Rothka; student, James Rothka; father of student, Melissa Tabor; Director of Student Support Services at Red Lion Christian Academy, and Eric Day; Athletic Director were in attendance to present this request.

Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver hearing. Ms. Fontello explained the there are 14 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. Ms. Fontello also explained that this was an administrative hearing and that all testimony was being taken down by a court reporter and will be on the record. All persons participating in this hearing were sworn in. Ms. Fontello reviewed all documents in the packet.

Mr. Rothka explained that he moved Matthew from Perryville High School to Red Lion Christian Academy for academic and religious reasons. Mr. Rothka further explained that Matthew's 504 plan at Perryville High School consisted of sitting in front of the classroom for an extended amount of time. Mr. Rothka stated that the 504 plan and services offered at Red Lion included more such as having additional time taking tests and also was provided an environment to take tests where he wouldn't be distracted. Ms. Tabor commented that Matthew will be receiving tutoring in reading comprehension, grammar skills, and basic math skills twice a week in a separate room. Ms. Tabor explained that Red Lion offers more assistance with services and the 504 plan and offers more communication with the parents and teachers. Ms. Tabor also commented that she monitors the classrooms to make sure the teachers are doing the correct plan for Matthew and that Matthew is following the requirements of his 504 plan and service contract.

Matthew commented that the services at Red Lion is doing more to help him. Mr. Rothka commented that Perryville High School was planning on taking Matthew off of the 504 Plan and suggested having Matthew reevaluated. Mr. Rothka commented that after visiting with Elkton Christian Academy and Red Lion Christian Academy he was more comfortable with Red Lion Christian Academy. Mr. Rothka also stated that Perryville High School kept cutting back on Matthew's accommodation and at

one point were considering taking him off the 504 Plan.

Dr. Hawtof made a motion to approve the waiver request based on testimony given and letters received from both the sending and receiving stating that this was not for athletic purposes and based on the academic hardship and the receiving school better ability to handle that. The motion was seconded by Mr. Eby. Mr. Wagner commented that he does not feel there is enough evidence to prove that Perryville did not give the student an adequate education. The motion carried by a vote of 9 – yes (Kobasa, Cale, Corrado, Samonisky, Marvel, Taylor, Hawtof, O'Neal, and Eby) 4 – no (Wagner, Bedford, Montano, Hyland) and 1 abstention (Coffing).

The Board recessed at 10:30 a.m. and reconvened at 10:40 a.m.

D. Request for Waiver of DIAA Reg. 1009.2.4 by Sussex Central HS for G. J.

Student, Student's father, and Brian Parker, athletic director at Sussex Central High School were in attendance to present this request. Father requested a closed hearing. Dr. Hawtof made a motion to go into executive session to protect the confidentiality of the pupil file as an exception to the FIOA act. The motion was seconded by Ms. Cale and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained there are 14 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in.

Mr. Wagner made a motion to go into deliberation. The motion was seconded by Mr. Montano and carried unanimously. Deliberations were held. Mr. Harvey made a motion to come out of deliberation. The motion was seconded by Mr. Wagner and carried unanimously. Mr. Harvey made a motion to come out of executive session. The motion was seconded by Mr. Wagner and carried unanimously.

Ms. Marvel made a motion to grant the waiver request because the hardship was established and allow student to participate in soccer and baseball during the 2009-10 school year based on testimony and information presented and based on the letters received from the sending and receiving schools that the transfer was not for athletic reasons. The motion was seconded by Ms. Cale and carried unanimously.

F. Consideration of Interim Waiver for Lake Forest and M. M.

Mr. Wagner recused himself from this hearing. Ms. Fontello explained that this was a waiver from the school and that Mike Wagner is present on behalf of the school. Mr. Charles explained that the basis of his interim waiver. Mr. Charles further explained that

Lake Forest had an assistant coach who had in the past worked for the city and ran a volleyball camp for younger students. Mr. Charles stated that the coach had stated that at the end of last sports season she determined that she was not going to come back to coach at Lake Forest. Mr. Charles stated at that time the coach took on more responsibility at the City program and her volleyball clinics included high school aged students some of which were returning to Lake Forest High School. Mr. Charles stated that both the head coach and assistant coach had to resign unexpectedly and a new head volleyball coach was hired. The new coach requested Ms. Miller to return because she had experience coaching and was familiar with the team. Mr. Charles explained that while the assistant coach was coaching the city program her intention was not to come back to the school but because the head coach had to leave and the new coach needed help the assistant coach volunteered to come back and help out.

Mr. Hawtof made a motion to approve the executive director's interim waiver and grant the School's waiver request based on the special circumstances presented. The motion was seconded by Mr. Bedford and carried unanimously.

G. Consideration of NFHS Allowable Rules Modification for Field Hockey and Soccer

Mr. Charles commented that the NFHS playing rules will occasionally allow states to adopt a rules modification. Mr. Charles stated that he is asking for approval of two NFHS approved modifications. Mr. Charles requested that Mr. Neubauer present the two proposed rules modification.

Mr. Neubauer stated the first proposal was for field hockey. NFHS rule 4-2-2 in the 2009 field hockey rules book allows a speed up rule when a specified differential in goals has been reached. The proposed speed up rule states the game clock will continue to run without stop, except for timeouts during the second half whenever there is a goal differential of 5 goals or more. The game clock will be stopped by rule during the second whenever the goal differential drops below a 5 goal difference. The Field Hockey Committee supports this change and the field hockey coaches voted unanimously to support the change as well. Ms. Corrado made a motion to approve the rule modification in field hockey. The motion was seconded by Ms. Coffing and carried unanimously.

Mr. Neubauer presented the second proposed rule modification which affects boys and girls soccer. NFHS rules 6-2-1 and 6-3-1 in the 2009-10 soccer rules book allows the referee to be the official timer and scorer in the absence of hiring a person to do the same. Mr. Neubauer explained that this practice has been followed for years. Both the soccer committee and soccer coaches support this rules modification. Ms. Corrado made a motion to approve this modification. The motion was seconded by Dr. Hawtof and carried unanimously.

H. Consideration of Standardize OT Procedure for Soccer

Mr. Charles explained that this was the issue that had previously been presented at the last DIAA Board meeting and he asked that consideration be delayed until this month

because he was uncomfortable to move the matter forward because at that time he had not heard from the committee and coaches. Mr. Neubauer stated that this was presented to the coaches at the DIAA Rules Clinics and 20 soccer coaches voted to have ties broken at the end of regulation; 10 to have no overtime and 8 to keep it as it is. Mr. Neubauer commented that the officials wanted a standard procedure. Mr. Neubauer stated that the vote with athletic directors was 21 – 8 in favor. Mr. Eby made a motion to approve the request to standardize OT procedure for soccer. The motion was seconded by Dr. Hawtof and carried unanimously.

I. Consideration of Boys' Soccer All-Star Game

Mr. Charles commented that this was a request by the Blue-White, Inc. to play the Boys Soccer All-Star game on November 24, 2009 at Wesley College. Mr. Charles explained that the proceeds go to CHILD, Inc. Dr. Hawtof made a motion to approve this request. The motion was seconded by Ms. Cale and carried unanimously.

J. Consideration of DVOA Request to Amend Volleyball Officials Uniform

Mr. Charles explained that this was a request by the Delaware Volleyball Officials Association to use black shorts when working conditions are very hot and are also requesting the use of a sweater or long sleeve shirt in cold conditions. Mr. Charles commented that the NFHS rules allow by state association adoption the wearing of black shorts during warm weather. Mr. Charles stated that the NFHS permits wearing the long sleeve shirt or sweater. Mr. Charles stated that he would be reluctant to approve a rule that goes beyond what the NFHS playing rules permit. Ms. Taylor made a motion to approve the use of black shorts. The motion was seconded by Dr. Hawtof and carried unanimously.

K. Consideration of Ticket Leap As Official Online Ticket Sales Agency

Mr. Charles reviewed an agreement submitted by Ticket Leap for a ticketing service. Mr. Charles stated that this agreement still has to go through legal review. Mr. Charles commented that this agreement would be a five-year agreement to allow parents, students, etc. to purchase tickets for a DIAA tournament event on line. Mr. Charles stated that Ticket Leap will chart the seating at the Bob Carpenter Center so that we can sell sections of the seating to different schools. Mr. Charles stated that they will also provide scanners for us to use free of charge and equipment to take credit cards to make purchases at the gate. Mr. Charles stated that Ticket Leap would give DIAA as many scanners as needed to run an event at the Bob Carpenter Center. Some Board members asked that there be tickets set aside for the people who do not have access to a computer. Ms. Corrado made a motion to approve the online ticket sales. The motion was seconded by Mr. Montano and carried unanimously.

L. Consideration of LRG State Agreement for Official High School Merchandise

Mr. Charles reminded the Board that this was discussed at the last Board meeting and stated that major chain stores such as Wal-Mart is beginning to sell paraphernalia with local schools name on it and the schools are getting no benefit. Mr. Charles explained that the NFHS has met with Licensing Resource Group, LLC who has worked with major chains who want to enter into an agreement with the NFHS and state associations. It was clarified that the agreement still needs legal review. Mr. Charles stated that this agreement would allow the stores to sell the merchandise with the schools names on it but compensate the schools for the right to be able to do that. Mr. Charles explained that the LRG will monitor all of this for the NFHS by tracking the purchases. Mr. Charles stated that the compensation for doing this is 10% of the wholesale purchase price of the product will be divided by 3% will go to LRG, 50% will go to the school, 7% will go to the state association and 3% will go to NFHS. Mr. Charles commented that the money would be sent to DIAA and would then be distributed to the schools. Mr. Charles stated that this does not prevent the local school's bookstore from selling their product nor does it prevent the booster clubs from selling items. Mr. Charles stated that this only deals with retail stores. Mr. Charles stated that he has been requested to take this proposal to the chiefs and the private schools. Dr. Hawtof made a motion to allow the executive director to further investigate this proposal. The motion was seconded by Ms. Cale and carried unanimously.

The Board recessed at 12:25 p.m. and reconvened at 12:40 p.m.

E. Consideration of Interim Eligibility Waivers by Executive Director for DIAA Reg. 1009.2.4

1. By Sanford School for E. T.

Ms. Samonisky recused herself for this request. Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Dr. Hawtof made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Ms. Samonisky and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being done under the interim waiver process and that we do have a signed consent from the student's parent in this case in order to proceed under these modified procedure. Ms. Fontello stated that this full hearing is scheduled for the October 8 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Ms. Samonisky and Mr. Charles were sworn in. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record.

Evidence was taken. Ms. Taylor made a motion to come out of executive session. The motion was seconded by Ms. Cale and carried unanimously. Dr. Hawtof made a motion to approve the interim waiver request and grant the Student's waiver request based on a hardship being established by the record and due to the fact that both schools agreed that this is not a transfer for athletic purposes; that the child did not participate in any sports the previous season; and it is required that the student participate in athletics at the transferring school. Dr. Hawtof also stated that based on the testimony and the documents that were presented the hardship has been established. The motion was seconded by Ms. Coffing and carried unanimously with Ms. Samonisky recusing herself.

2. By Sanford School for T.P.

Ms. Samonisky recused herself for this request. Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file as an exception to FOIA. Mr. Montano made a motion to go into executive session for the purpose of protecting the pupil file. The motion was seconded by Mr. Hyland and carried unanimously.

Ms. Fontello confirmed that Mr. Charles and Ms. Samonisky remain under oath from the previous hearing. While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being done under the interim waiver process and that included in the record is a signed consent from the student's parent in this case in order to proceed under these modified procedure. Ms. Fontello stated that this full hearing is scheduled for the October 8 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Ms. Fontello stated that the waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Ms. Cale made a motion to come out of executive session. The motion was seconded by Ms. Taylor and carried unanimously. Ms. Corrado made a motion to approve the interim waiver request and grant the Student's waiver request based on a hardship being established by the record and based on the testimony received; that the student did not play sports last year; and that this is not for athletic purposes. The motion was seconded by Mr. Montano. Ms. Marvel asked to amend the motion to include that both schools agreed that this transfer was not for athletic reasons. The motion carried unanimously with Ms. Samonisky recusing herself.

3. By Delmarva Christian for C. G.

Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file as an exception to FOIA. Ms. Cale made a motion to go into executive session for the purpose of protecting the pupil file. The motion was seconded by Ms. Samonisky and carried unanimously. Mr. Kobasa confirmed that Mr. Charles is still under oath. While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being done under the interim waiver process and that included in the record is a signed consent from the student's parent in this case in order to proceed under these modified procedure. Ms. Fontello stated that this full hearing is scheduled for the October 8 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Ms. Fontello stated that the waiver packet would be made part of the record. Evidence was taken.

Mr. Eby made a motion to come out of executive session. The motion was seconded by Mr. Bedford and carried unanimously. Ms. Cale made a motion to approve the interim waiver request and grant the Student's waiver request based on a hardship being established by the record and based on the hardship presented. Ms. Cale stated that there were also letters from both sending and receiving schools stating that this transfer was not for athletic reasons. The motion was seconded by Mr. Bedford and carried unanimously.

4. by William Penn for J. K.

Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Ms. Taylor made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Ms. Samonisky and carried unanimously. Mr. Kobasa confirmed that Mr. Charles is still under oath. While in executive sessions, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being done under the interim waiver process and that included in the record is a signed consent from the student's parent in this case in order to proceed under these modified procedure. Ms. Fontello stated that this full hearing is scheduled for the October 8 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Ms. Fontello stated that the waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Ms. Cale made a motion to come out of executive session. The motion was seconded

by Mr. Hyland and carried unanimously.

Mr. Eby made a motion to approve the interim waiver requests and grant the Student's waiver request based on a hardship being established by the record and the hardship presented and that the transfer was not for athletic purposes. The motion was seconded by Ms. Coffing and carried unanimously.

5. by Brandywine HS for A. A.

Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file as an exception to FOIA. Ms. Samonisky made a motion to go into executive session for the purpose of protecting the pupil file. The motion was seconded by Mr. Bedford and carried unanimously. Mr. Kobasa confirmed that Mr. Charles is still under oath. While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being done under the interim waiver process and that included in the record is a signed consent from the student's parent in this case in order to proceed under these modified procedure. Ms. Fontello stated that this full hearing is scheduled for the October 8 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Ms. Fontello stated that the waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken. Mr. Hyland made a motion to come out of executive session. The motion was seconded by Mr. O'Neal and carried unanimously.

Mr. Eby made a motion to approve the interim waiver and grant the Student's waiver request based on a hardship being established by the record and the request was based on the financial hardship presented and the fact that the transfer was not for athletic reasons. The motion was seconded by Mr. O'Neal and carried by a vote of 9 Yes (Kobasa, Bedford, Corrado, Samonisky, Marvel, Hyland, Coffing, O'Neal, Eby) and 1 No (Taylor).

6. by Moyer Academy for D. S.

Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Hyland made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Kobasa confirmed that Mr. Charles is still under oath. While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being done under the interim waiver process and that included in the record is a signed consent from the student's

parent in this case in order to proceed under these modified procedure. Ms. Fontello stated that this full hearing is scheduled for the October 8 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Ms. Fontello stated that the waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken. Mr. O'Neal made a motion to come out of executive session. The motion was seconded by Mr. Eby and carried unanimously.

Mr. Harvey made a motion to approve the interim waiver requests and grant the Student's waiver request based on a hardship being established by the record and due to the financial hardship presented and that the transfer was not for athletic reasons. The motion was seconded by Mr. Eby and carried unanimously.

7. by Dickinson HS for F. F.

This request was removed from the agenda.

8. by Caesar Rodney for R. S.

Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Hyland made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Mr. Eby and carried unanimously. Mr. Kobasa confirmed that Mr. Charles is still under oath. While in executive sessions, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being done under the interim waiver process and that included in the record is a signed consent from the student's parent in this case in order to proceed under these modified procedure. Ms. Fontello stated that this full hearing is scheduled for the October 8 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Ms. Fontello stated that the waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken. Mr. Bedford made a motion to come out of executive session. The motion was seconded by Ms. Samonisky and carried unanimously.

Mr. Eby made a motion to approve the interim waiver requests and grant the Student's waiver request based on a hardship being established by the record and based on the financial hardship presented and that it was not for athletic purposes. The motion was seconded by Ms. Coffing and carried unanimously.

9. by Sussex Technichal HS for D.C.

Ms. Fontello stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the privacy of the pupil file as an exception to FOIA. Ms. Taylor made a motion to go into executive session for the purpose of protecting the pupil file. The motion was seconded by Mr. Hyland and carried unanimously. Mr. Kobasa confirmed that Mr. Charles is still under oath. While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello stated that this request is being done under the interim waiver process and that included in the record is a signed consent from the student's parent in this case in order to proceed under these modified procedure. Ms. Fontello stated that this full hearing is scheduled for the October 8 meeting should it be necessary. Ms. Fontello explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Ms. Fontello stated that the waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken. Ms. Taylor made a motion to come out of executive session. The motion was seconded by Mr. Bedford and carried unanimously.

Mr. Eby made a motion to approve the interim waiver requests and grant the Student's waiver request based on a hardship being established by the record and based on the hardship presented and that this transfer was not for athletic reasons. The motion was seconded by Mr. Bedford and carried by a vote of 9 yes (Kobasa, Bedford, Corrado, Samonisky, Marvel, Hyland, Coffing, Taylor, and Eby) and 1 abstention (O'Neal).

Ms. Fontello commented that the interim waiver process was a temporary procedure to help streamline the waiver hearings due to the number of waiver request this fall. Mr. Charles explained how he handled the interim waivers and stated that he reviewed the waivers, discussed and came up with questions, and spent time talking to the parents and the schools on the phone.

IV . Executive Director Report

Mr. Charles stated that DIAA will be able to resume the 3.5 certificates. Mr. Charles explained that with the help from Mr. Kobasa TGI Fridays will be sponsoring the cost of printing the certificates.

Mr. Charles also commented that the NFHS has created an on-line coaches training and certification program. Mr. Charles explained that in order to be certified a coach must take three courses – Principles of Coaching, First-Aid for Coaches, and a sports specific coaching course or a general coaching course. Mr. Charles stated that after taking these courses you could become a certified coach. Mr. Charles strongly encourages coaches to take this. Mr. Charles stated he has received a commitment by

L & W Insurance to donate \$6,000.00 to be used as scholarship for the coaches First Aide Course.

Ms. Fontello commented regarding the out of state suit regarding participation and the cuts that they have made in sports.

V. Other

VI. Public Comment

None.

VII. Adjournment

Ms. Taylor made a motion to adjourn at 2:45 p.m. The motion was seconded by Ms. Samonisky and carried unanimously.

Tina Hurley